

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 The defendant Juan Herrera-Santos is currently scheduled to appear before this Court on
18 Friday, January 25, 2008 for motion and trial setting. In this stipulated order, counsel for Mr.
19 Herrera-Santos represents that he will be unavailable on that date because of a conflicting work
20 obligation that arose late last week. In addition, the parties represent that the government will shortly
21 be providing AFPD Kalar with a copy of the deportation hearing recording, and that defense counsel
22 will need some time to review this new evidence before setting dates.

23 Therefore, Mr. Kalar has asked that the hearing date now scheduled for January 25, 2008 be
24 continued to February 1, 2008. AUSA Helou has no objection to this request.

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In light of defense counsel's unavailability, and his need to review additional discovery, the status appearance now scheduled for January 25, 2008 is vacated. The matter shall be added to the Court's calendar for Friday, February 1, 2008 at 11:00 a.m. for motion and trial setting. Time shall be excluded from the Speedy Trial Act calculations in light of the unavailability of defense counsel, and to permit for the effective preparation of defense counsel.

IT IS SO ORDERED.

DATED SUSAN ILLSTON
United States District Court Judge

IT IS SO STIPULATED.

January 22, 2008 _____/s
DATED JOSEPH P. RUSSONIELLO
United States Attorney
Northern District of California
TAREK J. HELOU
Assistant United States Attorney

January 22, 2008 _____/s
DATED BARRY J. PORTMAN
Federal Public Defender
Northern District of California
STEVEN G. KALAR
Assistant Federal Public Defender